



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

June 5, 2007

8:30 A.M. ROLL CALL

Invocation by Pastor Bryan Hitch from Fresno First Baptist Church

Pledge of Allegiance to the Flag

The agenda is available on (www.fresno.gov). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.
PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Ceremonial Presentations:

Presentation of SPCA Pet of the Month – Council President Perea - **Presented**

Presentation of Resolution of Commendation to Central Printing Division of the General Services Department for their Bronze Award in the In-Print 2007 National Printing Contest – City Manager's Office- **Presented**

Presentation of Resolution of Commendation to the Fleet Management Division of the General Services Department for earning the ASE Blue Seal of Excellence recognition for the seventh consecutive year – Mayor Autry and City Manager's Office- **Presented**

Presentation of commendation to Bryson Williams – Councilmembers Calhoun and Sterling- **Presented**

Presentation of recognition to Fresno City College Women's Badminton Team – Councilmember Xiong- **Presented**

Approve minutes of May 15, May 18, and May 25, 2007

Action Taken: **Approved as amended**

Councilmember Reports and Comments

Action Taken: **Made**

Approve Agenda

Action Taken: **Approved as amended**

Adopt Consent Calendar

Action Taken: **Adopted**

1. CONSENT CALENDAR

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following

- A. * [RESOLUTION –of intention to vacate all street, pedestrian, and utility easements in the area known as Funston Place, located southeast of Clinton Avenue and Fresno Streets, and setting the public hearing for June 26, 2007 @ 10:15 a.m. \(Property located in Council District 7\) – Public Works Department](#)
Action Taken: - Resolution No. 2007-191 adopted
- B. * **RESOLUTION** - To continue providing salary differential benefit and the City's portion of the employees' health and welfare contribution for permanent city employees who have been called to active duty as a result of the ongoing middle eastern conflict – City Manager's Office
Action Taken: Resolution No. 2007-192 adopted
- C. Approve gate swap between Skywest Airlines and US Airways, and associated transactions at Fresno Yosemite International Airport – Airports Department
Action Taken: **Approved**
- D. * [Authorize the General Services Director to enter into an agreement with the State of California to receive grant funding for the purchase of low emission construction equipment – General Services Department](#)
Action Taken: **Authorized**

CONSENT CALENDAR CONTINUED

- E. * [Applying to the Fresno Local Agency Formation Commission \(LAFCO\) in the matter of the proposed McKinley- Blythe No. 1 reorganization \(**Property located in Council District 3**\) – Planning and Development Department](#)
Action Taken:
1. Affirm the action of the City Council of June 20, 2006, in adopting the environmental finding of Environmental Assessment No. R-05-70/T-5598, dated April 13, 2006, resulting in a Mitigated Negative Declaration.
Action Taken: Affirmed
2. **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed McKinley- Blythe No. 1 reorganization
Action Taken: Resolution No. 2007-193 adopted
- F. * Authorize a joint agreement and acceptance of the Byrne Justice Assistance grant program, from the U.S. Department of Justice, Bureau of Justice, for \$475,738, for the City and the County of Fresno, and the execution of all related documents – Police Department
Action Taken: Authorized
- G. Authorize the implementation of wireless data radio system for 136 patrol vehicles, utilizing SLESF grant funds, and approve the modification of the SLESF 2005-2006 grant spending plan – Police Department
Action Taken: Authorized
- H. * [Approve the acquisition of a street easement and the use of a temporary construction easement near the intersection of Kings Canyon and Chestnut Avenue from property owned by Ralph's Grocery Company, an Ohio Corporation \(**Property located in Council District 5**\) – Public Works Department](#)
Action Taken: Approved
- I. * [Authorize and direct the City Engineer to execute a grant deed on behalf of the City of Fresno for property that was acquired in fee for the Divisadero Street Right-of-Way adjacent to Community Hospital and which was vacated for street purposes by Resolution No. 95-77\(**Property located in Council District 3**\)- Public Works Department](#)
Action Taken: Authorized
- J. **RESOLUTION** - [Setting the time and place for the public hearing for June 26, 2007 at 10:00 a.m., to consider formation of Underground Utility District No. FRE-85\(Belmont Avenue between Freeway 41 and Chestnut Avenue\) \(**Property located in Council District 7**\)- Public Works Department](#)
Action Taken: Resolution No. 2007-194 adopted
- K. * **RESOLUTION** –[82nd amendment to AAR No. 2006-253 appropriating \\$15,000 in developer contributions for the acquisition of right-of-way for Tract 5284 \(**Property located Council District 3**\) \(**Requires 5 affirmative votes**\) - Public Works Department](#)
Action Taken: Resolution No. 2007-195 adopted
- L.* [Approve first amendment to agreement with Dale Rutherford Architecture & Planning in the amount of \\$36,720 to design the interior station renovations for Fire Station No. 11 within the City of Fresno \(**Fire station No. 11 is within Council District 6**\) - Public Works Department](#)
Action Taken: Approved
- M. * **RESOLUTION** – [83rd amendment to the AAR No. 2006-253 recognizing \\$12,000 in revenue from developer contributions to form Community Facilities District No. 12 \(Feature Maintenance\) for Tentative Tract 5205, the Copper River Ranch Development \(**Located in Council District 6**\)\(**Requires 5 affirmative votes**\) - Public Works Department](#)
Action Taken: Resolution No. 2007-196 adopted

CONSENT CALENDAR CONTINUED

- N. * [Award a construction contract in the amount of \\$475,668.20 to Bill Marvin Electric, Inc. for the installation of new traffic signal facilities at the intersection of Barstow and Millbrook Avenues and modification of existing traffic signal facilities at Ashlan and Millbrook Avenues \(**Property located in Council District 4**\) - Public Works Department](#)
Action Taken: Awarded
- O. * [Award a contract in the amount of \\$197,552 to Crown Contracting Co. of Clovis, California, for the modification of an existing traffic signal for left turn phasing at the intersection of Fresno and Sierra Avenues \(Bid File No. 2634\) \(**Property Located in Council District 6**\) - Public Works Department](#)
Action Taken: Awarded
- P. Approve migration from CalNet to CalNet II Contract – Information Services Department
Action Taken: Approved
- Q. Approve use of California Wireless Contract for cellular phone and mobile data service – Information Services Department
Action Taken: Approved
- R. * [Approve amendment to the administrative agreement with Munifinancial to provide services in connection with City bonds and assessment districts, adding two new districts with differing fee structure – Finance Department](#)
Action Taken: Approved
- S. [Award a contract to Graham Prewett, Inc. of Fresno in the amount of \\$120,138.50 to re-roof Holmes neighborhood park\(rebid\) – General Services Department](#)
Action Taken: Awarded
- T. Approve an agreement between the City of Fresno and Avante Behavioral Health to continue to provide an employees assistance program to City of Fresno employees – Personnel Services Department
Action Taken: Discussed and continued one week for additional information
- U. [Award a contract in the amount of \\$765,686.00 to American Paving Company for the installation of street infrastructure in No Neighborhood Left Behind Area 84 \(**Property located in Council District 7**\) - Public Utilities Department](#)
Action Taken: Awarded
- V. [**RESOLUTION-** Authorizing the submittal of a grant application to the California Integrated Waste Management Board for a reuse grant – Public Utilities Department](#)
Action Taken: Resolution No. 2007-197 adopted
- W. [Approve amendment to the FY 2006-2007 Annual Action Plan to acquire assessor's parcel number 464-102-08 located at California and West Avenues, at a price not to exceed \\$106,000, for the purpose of widening West Avenue to arterial standards as set forth in the City of Fresno 2025 General plan, and authorize the Assistant Public Works Director to execute implementing documents related to the purchase of the said property – Finance Department](#)
Action Taken: Approved
- X. Approve appointment of Rodney Ashley to the Fresno-Madera Area Agency on Aging Board – Mayor Autry
Action Taken: Approved
- Y. * [**BILL B-45 \(for Adoption\)** to amend subsections \(a\) and \(b\) of Sections 4-504 and 4-505 of the Fresno Municipal Code relating to Local Sales and Use Taxes, pursuant to a Memorandum of Understanding with the County of Fresno \(MOU\) - Finance Department](#)
Action Taken: Ordinance No. 2007-47

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. **A. SCHEDULED COMMUNICATION –**
1. Appearance by Michael Jordan to address drug and crime free neighborhoods –
Appearance made
 2. Appearance by Vicky M. Lowe-Alberty/Debbie R. Lowe to talk about canals, and the
posting of signs and fencing- **Appearance made**
- B. UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda
- 9:15 A.M. **CITY COUNCIL**
- A.** Council discussion regarding residential fence heights in the City of Fresno. - Councilmember Calhoun
Action Taken: Discussed/Staff to report back to Council
- 9:30 A.M. **GENERAL ADMINISTRATION**
- A. *** [RESOLUTION - 72nd amendment to the AAR No. 2006-253 to appropriate \\$1,348,600 in to provide funds for the completion of the Fresno Convention & Entertainment Center \(FCEC\) improvement project \(requires 5 affirmative votes\)- General Services Department](#)
Action Taken: Resolution No. 2007-198 adopted
- B.** [BILL - \(for introduction\) repealing and amending subsection 11-226 and adding Article 4.10 and 4.11 to Chapter 12 of the FMC relating to impact fees for street facilities and traffic signal facilities- Public Works Department](#)
Action Taken: Bill B-48 introduced
- C. *** [RESOLUTION – 85th amendment to AAR 2006-253 appropriating \\$409,500 for the purchase of six \(6\) Handy Ride paratransit buses – \(requires 5 affirmative votes\) – Fresno Area Express](#)
Action Taken: Resolution No. 2007-199 adopted with the condition that six(6) Handy Ride buses be converted to CNG
- D.** Direct the City Manager and City Attorney to negotiate an agreement with Friends of Camp El-O-Win related to capital improvement funding available from Indian Gaming Local Benefit Committee
Action Taken: Approved
- 9:50 A.M. [HEARING - to consider Rezone Application No. R-07-09, and environmental findings, filed by Steve Kalpakoff on behalf of Claude Saiz Jr., pertaining to 0.34 acre of property located on the northeast corner of North Fresno Street and East Thomas Avenue, South of State Route 180 \(704 North Fresno Street\) \(Property located in Council District 3\) – Planning and Development Department](#)
Action Taken: Held
1. [Consider and adopt Environmental Assessment No. R-07-09/S-07-35, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan.](#)
Action Taken: Adopted
 2. [BILL – Amending the Official Zone Map to rezone the subject property from the C-5 \(General Commercial\) zone district to the R-2 \(Low Density Multiple Family Residential\) zone district.](#)
Action Taken: Bill B-49/Ordinance 2007-49 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00A.M. #1 **CONTINUED HEARING** – to rename the tennis court at the Roeding Tennis Center – Councilmember Sterling

Action Taken: Held

1. RESOLUTION – Renaming the tennis court at Roeding Tennis Center to Fenton's Court

Action Taken: Resolution No. 2007-202 adopted

10:00A.M.#2 Continued consideration of FY 07-08 Budget (May be heard later) Remaining Departments to be considered, Fire Department, Police Department, Parks, Recreation & Community Services, Information Services Department (ISD), Public Works, Council, City Manager, General City Purpose, Mayor, General Services Department (GSD), Planning & Development Department, Convention Center, CDBG, Redevelopment Agency (order of consideration may change)

Action Taken: Fire and Police departments held; Continued to June 7, 2007 @ 8:30 A.M.

10:15A.M. #1 **Hearing** regarding City of Fresno Community Facilities District No. 11, Annexation No. 17 (Final Tract Map No. 5730) (***Located in Council District 2***) – Public Works Department
(Continue to June 26, 2007 @ 10:45 A.M.)

Action Taken: Continued as noted

10:15A.M. #2 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of May 15, 2007

Action Taken: Approved

A. * [BILL B-48\(For Adoption\)- pursuant to health and safety code section 33342.7 approving descriptions of the Redevelopment Agency's programs to acquire real property by eminent domain within the Agency's existing project areas\(City and Agency Action\)](#)

Action Taken: Ordinance No. 2007-48 adopted

B. [Consider a resolution providing funding for and approving a purchase and sales Agreement between the Redevelopment Agency of the City of Fresno and Ivan A. Dorantes, the assignment of the purchase and sale agreement to the City of Fresno and/or acceptance by City of Fresno of a deed from the Redevelopment Agency of the City of Fresno transferring title of the property to the City of Fresno \(Council/Agency\) and authorizing the Executive Director to execute the Purchase and Sales Agreement for the purchase of the two contiguous vacant lots on south corner of S. Railroad Avenue and S. Cherry Avenue known as Assessor Parcel Numbers 478-102-19 and 20; owned by Ivan A. Dorantes, within the South Van Ness Industrial Revitalization Area Project Area\(City and Agency Action\)](#)

1. * [RESOLUTION - 84th amendment to the AAR No. 2006-253 appropriating \\$137,000 to provide funds for the acquisition of the Dorantes Property\(requires 5 affirmative votes\) \(City and Agency Action\)](#)

Action Taken: Resolution No. 2007-200 adopted

C. [Joint City Council/Agency Board approval of an exclusive negotiation agreement \(ENA\) between the Redevelopment Agency of the City of Fresno and the Next Generation Group, LLC for the development a mixed used residential and commercial project in the Fulton Redevelopment Project Area; and authorization for the acquisition of the property required for the project\(City and Agency Action\)](#)

Action Taken: Approved

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- D. * **JOINT RESOLUTION** - making certain findings pursuant to Section 33445 of the Community Redevelopment Law, and authorizing the Agency's expenditure of tax increment to install street lights along Belmont Avenue from Freeway to Cedar Avenue, as public improvements within the Central City Commercial Revitalization Redevelopment Project Area **(City and Agency Action)**
Action Taken: Joint Resolution No. 2007-201/1698 adopted
1. Award a contract in the amount of \$592,700 to Madco Electric, Inc. for the installation of said public improvements Bid File # 2709 **(Agency Action)**
Action Taken: Awarded
- E. **JOINT RESOLUTION** – reaffirming policies for the retention and concentration of government offices in the central area of the City of Fresno **(City and Agency Action)** – Councilmember Sterling
Action Taken: Removed from the agenda, to be rescheduled

Adjourn Agency

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

12:00 P.M. **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
Government Code Section 54956.9, subdivision (a)
1. Case Name: *Michael Neveu v. City of Fresno, et al.*
2. Case Name: *City of Fresno v. Board of Trustees of the California State University, et al.* Superior Court Case No. 07CECG01148
Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

June 7(Thurs) 8:30 A.M.	Continued consideration of FY 07-08 Budget , (for remaining departments), Fire Department, Police Department, Parks, Recreation & Community Services, Information Services Department, Public Works, Council, City Manager, General City Purpose, Mayor, General Services Department, Planning & Development, Convention Center, CDGB, Redevelopment Agency
June 12 - 9:30 A.M.	Hearing re: Resolution of necessity for a street project – Planning & Development
June 12 - 9:45 A.M.	Redevelopment Agency Special Meeting
June 12 - 10:00 A.M.	Continued consideration of FY 07-08 Budget (May be heard later) For remaining Departments
June 13 - 8:30 A.M.	Action on Budget Motions (Tentative)

SCHEDULED COUNCIL HEARINGS AND MATTERS

June 19 -	10:00 A.M. #1	Workshop- Community Choice – Department of Public Utilities
June 19 -	10:00 A.M. #2	Continued consideration/Adoption of FY 07-08 Budget (May be heard later)
June 19 -	TBA	Adoption of FY 07-08 Budget (Tentative)
June 26 -	10:00 A.M.	Hearing re: to consider formation of Underground Utility District FRE-85
June 26 -	10:15 A.M.	Hearing re: ordering the vacation of all street, pedestrian, and utility easements in the area known as Funston Place (Located in Council District 7)
June 26 -	10:30 A.M.	Hearing re: Herndon Townsite – Planning & Development
June 26 -	10:45 A.M.	Continued Hearing re: regarding City of Fresno Community Facilities District No. 11, Annexation No. 17 (Final Tract Map No. 5730) (Located in Council District 2)
July 3 -		No Meeting – Council Vacation
July 10 -		No Meeting - Council Vacation
July 17 -	10:00 A.M.	Hearing re: Lighting Maintenance District (City wide) – Public Works Department
July 17 -	10:15 A.M.	Hearing re: change of services for Tracts 5258 and 5295 – Public Works Department
July 24 -	10:00 A.M.	Hearing re: to rescind and replace resolution nos. 2002-298, 2002-299 and 2002-300, which ordered the vacation of various streets and alleys (located in Council District 3)